

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -APRIL 7, 2009- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:43 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(09-127) Proclamation declaring the week of April 20 through 25, 2009 as Earth Week.

Mayor Johnson read and presented the proclamation to Pete Halberstadt, President of West Advertising.

Mr. Halberstadt thanked Council for the proclamation; invited everyone to attend Earth Day.

CONSENT CALENDAR

Mayor Johnson announced that the Resolution Authorizing the Issuance of City of Alameda Taxable Retirement Funding Bonds [paragraph no. 09-131] was pulled from the Consent Calendar for discussion.

Councilmember Tam moved approval of the remainder of the Consent Calendar.

Vice Mayor deHaan seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*09-128) Minutes of the Special City Council Meeting, the Special Joint City Council and CIC Meeting and the Regular City Council Meeting held on March 17, 2009; and the Special City Council Meeting held on March 24, 2009. Approved.

(*09-129) Ratified bills in the amount of \$3,861,742.66.

(*09-130) Recommendation to accept the work of Chrisp Company for Annual Striping, Phase 6, No. P.W. 10-07-31. Accepted.

(09-131) Resolution No. 14319, "Authorizing the Issuance of City of

Alameda Taxable Retirement Funding Bonds; Authorizing the Execution and Delivery of an Indenture and a Trust Agreement; and Authorizing Commencement of a Validation Action Relating Thereto and Approving Other Matters Relating Thereto." Adopted.

Councilmember Gilmore requested staff to review the matter for the public.

The Interim City Manager gave a brief presentation.

Vice Mayor deHaan inquired when 1079 and 1082 Plans would retire, to which the Interim City Manager responded 17 or 18 years.

Councilmember Tam stated the present value of unfunded accrued actuarial liability [for Other Post Retirement Benefits (OPEB)] is \$74.5 million; the validation process includes an indenture with Union Bank for \$22.2 million; inquired whether the amount is the present value of the 1079 and 1082 Plans.

The Interim City Manager responded in the affirmative; stated the indenture does not involve the \$74.5 million [for OPEB].

Councilmember Tam inquired whether the City would still pay the difference between the \$22.2 million and \$74.5 million.

The Interim City Manager responded \$2.5 million is being paid on the \$22.5 million and \$2.1 million to \$2.2 million is being paid on the \$74.5 million this year.

Vice Mayor deHaan stated that he would like to review escalating the amount in the future.

The Interim City Manager stated staff has not abandoned the idea of reviewing financing options.

Councilmember Gilmore stated the City currently budgets \$2.5 million for the 1079 and 1082 Plans and pays \$2.1 million for the [OPEB] "pay as you go" plan; \$4.6 million is paid every year on retirement benefits.

The Interim City Manager stated the 1079 and 1082 Plans are pension benefits; the [OPEB] "pay as you go" cost for medical benefits would grow by approximately \$300,000 to \$400,000 per year.

Councilmember Gilmore moved adoption of the resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(*09-132) Resolution No. 14320, "Authorizing the Acting City Manager to Submit an Application for Measure B Paratransit Funding for Fiscal Year 2009-2010 and to Execute All Necessary Documents to Implement the Project." Adopted.

(*09-133) Resolution No. 14321, "Authorizing the Acting City Manager to Submit a Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2009/2010 Transportation Development Act, Article 3 Funding, in the Amount of \$68,000 to Fund the Local Match for the Safe Routes to School Bicycle/Pedestrian Improvement Projects and Authorize the Acting City Manager to Execute All Necessary Documents." Adopted.

(*09-134) Ordinance No. 2992, "Amending the Alameda Municipal Code by Adding Section 24-10 (Cost Recovery for Recurring Calls for Service to Respond to and/or Abate Properties Due to Specified Conditions or Owner Neglect) to Chapter XXIV (Public Health)." Finally passed.

CITY MANAGER COMMUNICATIONS

(09-135) Mayor Johnson welcomed Interim City Manager Ann Marie Gallant.

(09-136) The Fire Chief discussed the recent fire at the Old Navy Hospital and Supply Depot.

Vice Mayor deHaan stated the community has concerns regarding the ashes; requested an analysis be completed.

The Fire Chief stated that the Bay Area Air Quality Management District (BAAQMD) sampled the air and did not find any asbestos or lead in the air; debris has not been sampled; asbestos is not airborne, does not burn, and is not in the smoke.

Councilmember Tam inquired whether the BAAQMD or County Health Department could post the results.

The Fire Chief responded that he would consult with the BAAQMD; stated BAAQMD furnished raw data but the data was not interpreted.

Councilmember Tam stated posting results would be helpful for the sake of disclosure.

The Fire Chief noted the City Watch system needs to be updated.

Mayor Johnson inquired whether the City pays for the system, to

which the Fire Chief responded the City owns the software.

The Interim City Manager stated staff would evaluate whether the system is worth upgrading.

Vice Mayor deHaan inquired whether warning sirens are available for certain areas.

The Fire Chief responded sirens can be individually activated, but were not activated.

Vice Mayor deHaan inquired whether activation could be considered in the future, to which the Fire Chief responded in the affirmative.

REGULAR AGENDA ITEMS

(09-137) Public Hearing to consider Resolution No. 14322, "Establishing Integrated Waste Collection Ceiling Rates and Services for Rate Period 8 (July 2009 to June 2010)." Adopted;

(09-137A) Introduction of Ordinance Approving and Authorizing the City Manager to Negotiate and Execute a Second Amendment to Modify and Extend the Franchise Agreement with Alameda County Industries, Inc. Introduced; and

(09-137B) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Various Sections of Chapter XXI (Solid Waste and Recycling) to Clarify the Definition of Customer and Customer Responsibilities and Allocate \$1,052,059 from the City Waste Management Program Fund (Fund 274.1. Introduced.

The Interim City Manager and Public Works Director gave a brief presentation.

Councilmember Matarrese inquired whether the advanced payment is not coming from a non-General Fund set aside fund specifically for the Waste Management Program Fund, to which the Public Works Director responded in the affirmative.

Councilmember Matarrese inquired whether the fund is dedicated to funding the liability and the City is just being asked to fund the liability earlier, to which the Public Works Director responded in the affirmative.

Vice Mayor deHaan inquired whether Alameda County Industries (ACI) was in jeopardy of closing.

Louie Pellegrinni, ACI Vice President, responded the catastrophic

events in the worldwide meltdown of commodity values affected ACI; stated 10% of the company's revenue disappeared the first week of November; ACI could not meet bank covenants and was in jeopardy of defaulting on loans; ACI had to restructure debt payments and rate relief to make up for the commodities value shortfall; the commodities value was previously offsetting the costs of providing service; recyclable materials could and have ended up in the landfill because there is no market; ACI was in jeopardy of closing.

Vice Mayor deHaan inquired whether certain commodities are difficult to get rid of.

Mr. Pellegrinni responded 70% of commodities are moving; stated high value plastics are moving; lower value plastics have always been a questionable commodity; value has dropped 50%; diversion goals are being met.

Vice Mayor deHaan inquired whether other cities are facing similar situations, to which Mr. Pellegrinni responded in the affirmative.

Vice Mayor deHaan stated the proposed Agreement extends to 2022; inquired whether the proposed Agreement provides latitude for when the market recovers and is best for the City.

The Interim City Manager responded small haulers operate by margins of 5 to 15% profit; stated large carriers operate by a margin of 25 to 35% profit; small and medium size haulers are affected by the decline in recyclables; small haulers should remain in the market for competition; that she thinks the proposed extension is good for both parties.

Vice Mayor deHaan stated the City contracted with Waste Management to dispose of green waste; inquired whether ACI is still contemplating taking over the operation.

Mr. Pellegrinni responded a third party processor accepts organic materials; stated the County is looking at a processing facility; the City has the right to redirect the material to an in-County facility.

Councilmember Gilmore stated an incredible amount of work, effort and time went into the proposed Agreement; the proposed Agreement allows for working with owners of multi-family units; most resident complaints are about the number of bins on the street which crowd sidewalks; using larger bins would results in getting back parking spaces.

Proponents (In favor of staff recommendation): Robb Ratto, Park Street Business Association; Marilyn Schumacher, Alameda.

Councilmember Tam stated the extension ensures competition, which keeps ratepayers from being at the mercy of one monopoly; Alameda has the highest recycling rate; the City would get 75% of revenues if the rate goes above \$80 per ton, which puts a cap on future profitability.

Councilmember Tam moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Matarrese stated the benefit of extending the term to 2022 allows for alternative fuel vehicles and allows potential for capturing future profit sharing when the market recovers; ACI is a leader in recycling and providing direct service.

Councilmember Gilmore stated ACI does not have a seat at the bargaining table; bargaining is handled through Waste Management; ACI has a "me too" clause and is required to follow whatever Waste Management negotiates.

Councilmember Matarrese stated Local 70 sets the prevailing wage for garbage haulers because Waste Management is the prevailing provider.

Councilmember Gilmore stated the City has always had a policy of encouraging contractors to pay prevailing wage.

On the call for the question, the motion carried by unanimous voice vote - 5.

Vice Mayor deHaan inquired whether ACI's facility is still open to the public, to which Mr. Pellegrinni responded in the affirmative.

(09-138) Discussion of alternative uses for the Mif Albright Golf Course and presentation by Kemper Sports Management.

Mayor Johnson stated that matter is on the agenda for discussion only, not action.

The Acting Golf Manager gave a brief presentation.

Jim Stegall, Kemper Sports Executive Vice President of Operations, gave a Power Point presentation.

Vice Mayor deHaan inquired whether tonight's presentation was presented to the Golf Commission, to which Mr. Stegall responded in the negative.

Mayor Johnson recognized the Alameda High Girl's Golf team and Coach Burnett, who introduced the members of the team.

Speakers: Grace Na, Alameda High School; Sharon Nam, Alameda High School; Gina Kabasakalis, Alameda High School; Stephen Burnett, Alameda High School Golf Coach; Carlos Briones, Junior Golf; Derek Schediker, Alameda; John Kabasakalis, Alameda; Joe A. Williams, Alameda; George Humphreys, Alameda; James D. Leach, Chuck Corica Senior Men's Club; John Childs, Alameda Junior Golf; Horst Breuer, Alameda; Shawn Shelby, Alameda; Ronald Cooper, Alameda; Robert Sullwold, Alameda; Jane Sullwold, Alameda Golf Commission; Ron Salsig; Norma Arnerich, Alameda; Jim Strehlow, Alameda; Christopher Seiwald, Alameda Soccer club; Joe Van Winkle, Alameda.

Vice Mayor deHaan inquired whether Mr. Van Winkle's proposal was presented to anyone else, to which Mr. Van Winkle responded the proposal was presented to the Golf Commission.

Vice Mayor deHaan inquired whether the Golf Commission has had the opportunity to review the proposal in depth.

Ms. Sullwold responded the proposal was put together quickly; stated the Golf Commission is solidly behind the proposal.

Vice Mayor deHaan stated the proposed approach is not novel.

Mayor Johnson suggested that Mr. Van Winkle work with staff.

Vice Mayor deHaan stated staff should actively pursue looking at reactivating the Golf Course well; the Mif Albright Golf Course needs to open as soon as possible; the Mif Albright Golf Course was never meant to be a stand-alone course; Mr. Van Winkle's proposal should be reviewed; that he does not want to miss an opportunity by over studying the matter; that he hopes Kemper Sports will be involved; commended Kemper Sports for bringing new quality to the Golf Course.

Councilmember Gilmore thanked everyone who spoke so passionately about the matter; stated the City has to look at all options, including Mr. Van Winkle's proposal; Kemper Sports indicated that there has been a decline in rounds and discussed evaluating the feasibility of reconfiguring and renovating to meet all of Alameda's golf needs; inquired whether consideration has been given to having a facility where children can learn to play golf.

Mr. Stegall responded there are a number of options.

Councilmember Gilmore stated that she would not pre-judge the proposed plan's viability; that she wants as much information as possible.

Mr. Stegall stated that he would be happy to review Mr. Van Winkle's proposal.

Councilmember Tam inquired how much the review would cost.

Mr. Stegall responded that there would not be a cost to review the proposal and provide an option.

Councilmember Tam stated water is a big issue; 90% of the water is imported from the Sierras; inquired whether Mr. Stegall would be able to provide information on how much East Bay Municipal Utility District (EBMUD) would charge for separating out the Mif Albright Course meter and for providing a utility and maintenance cost assessment.

Mr. Stegall responded that he would be happy to help obtain information.

Councilmember Matarrese stated that he wants to ensure that the Golf Commission evaluates the matter so that a study and official opinion can be provided to Council; a lot of decisions have been made based on numbers that continue to be challenged for accuracy and relevance; requested that staff ensure numbers are accurate.

Vice Mayor deHaan inquired whether evaluation is part of Kemper Sport's Contract.

Mr. Stegall responded the scope of service is to operate the Golf Course.

Mayor Johnson stated that she took a tour of the Golf Course; the Golf course is looking very good; golfers are complimenting Kemper Sports and the attention being given to detail; more needs to be done, especially capital improvements; Council agrees that everyone needs to be accommodated at the Golf course.

Vice Mayor deHaan stated Mr. Van Winkle's self-sustaining proposal should be pursued with some input from Kemper Sports and overview from the Golf Commission.

Mayor Johnson stated that she wants to ensure that options are not

limited; concurred with Councilmember Gilmore's comments regarding reviewing all options.

The Interim City Manager stated staff would need thirty days to go through the process with the Golf Commission, work with Kemper Sports, and consider options.

(09-139) Update on federal funding for City projects.

The Deputy City Manager gave a brief presentation.

Mayor Johnson inquired whether the Association of Bay Area Governments (ABAG) and Alameda County Waste Management Authority (WMA) are look at applying for energy efficiency block grants as a region.

The Deputy City Manager responded that she heard about WMA's plans and would check with ABAG; stated larger agencies want to tap into formula funds for bigger projects.

Councilmember Matarrese thanked staff for the comprehensive report; stated that he is happy that the City is keeping track of projects; inquired why the City would borrow money for sewer projects when the Sewer Fund is robust.

The Public Works Director stated some loans could be 0% or 1% interest and the City can earn 3% interest.

Mayor Johnson stated that having an increase in Community Development Block Grant funding is nice.

ORAL COMMUNICATIONS, NON-AGENDA

(09-140) Kent Lewandowski, Sierra Club, submitted letter; addressed the Sierra Club's concerns regarding SunCal's development proposal.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(09-141) Consideration of Mayor's nomination for appointment to the Civil Service Board and Economic Development Commission.

Nominated Dean Batchelor as a member of the Civil Service Board and Dennis H. Viehweg as a member of the Economic Development Commission.

(09-142) Councilmember Tam stated that she attended the League of California Cities (LCC) Meeting on April 3; most of the focus was on three bills surrounding the use of plastic bags and proposed \$0.25 per bag charge; revenues from the fee would be used to promote recycling and pay for litter clean up; San Francisco and Oakland representatives were the most vocal about the initiative; Councilmember Jean Quan stated San Francisco banned Styrofoam and plastic bags, imposed a fee, and were not sued; Oakland banned both and were sued; manufacturers launched the lawsuit stating that a California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) is needed to impose the fee and ban plastic bags; Oakland was advised an EIR would cost approximately \$500,000; discussions involved looking for a way to adjust CEQA to exempt the ban; a city cannot exempt itself from State law; the League of California Cities received a letter from the Governor asking for support on six May 19 ballot measures; the Revenue and Taxation Policy Committee recommended supporting Proposition 1A.

The Deputy City Manager stated the LCC Board recommends supporting Propositions 1A through 1F, which includes the pay raise issue.

Mayor Johnson stated that Oakland is thinking about doing a model EIR that other cities could use.

(09-143) Vice Mayor deHaan stated initiative circulators are over-exaggerating the reason for signing the SunCal petition; that he interviewed six circulators; all had a common thread of stating that people need to sign because the Base needs to be cleaned up and the Navy would not clean up; circulators are stating that they want to take the process away from the City Council and that the proposed plan is the only plan that would provide the required 15% set aside; the City's name is being used as a supporter and partner; the issue should stand by itself [without using the City's name].

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 11:05 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -APRIL 7, 2009- -7:00 P.M.

Mayor Johnson convened the Special Meeting at 7:15 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(09-126) Workers' Compensation Claim (54956.95); Claimant: Corey Merrick; Agency claimed against: City of Alameda.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that the City Council received a briefing from the Risk Manager and Legal Council and gave direction regarding settlement of a Workers' Compensation Claim.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -APRIL 7, 2009- -7:27 P.M.

Chair Johnson adjourned the Special Meeting at 7:41 p.m.

ROLL CALL - Present: Commissioners deHaan, Gilmore, Matarrese,
Tam, and Chair Johnson - 5.

Absent: None.

MINUTES

(09-14) Minutes of the Special Joint City Council and CIC Meeting
held on March 17, 2009. Approved.

Commissioner deHaan moved approval of the minutes.

Commissioner Tam seconded the motion, which carried by unanimous
voice vote - 5.

AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Chair Johnson adjourned the
Special Meeting at 7:42 p.m.

Respectfully submitted,

Lara Weisiger
Secretary

The agenda for this meeting was posted in accordance with the Brown
Act.